

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD LEE KEITH,

Petitioner,

Case No. 08-12683

HON. JOHN CORBETT O'MEARA

v.

NICK LUDWICK,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the court is a report and recommendation to deny Petitioner's application for a writ of habeas corpus, filed November 15, 2010, by Magistrate Judge Paul J. Komives. Petitioner filed objections to the report and recommendation on December 1, 2010.

This Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. 28 U.S.C. § 636(b)(1)(C). The Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Having reviewed the record, it is hereby ORDERED that the report and recommendation is ADOPTED as the findings and conclusions of this court, and Petitioner's application for a writ of habeas corpus is DENIED.

It is further ORDERED that a certificate of appealability is DENIED.

s/John Corbett O'Meara

United States District Judge

Date: December 29, 2010

I hereby certify that on December 29, 2010, a copy of the foregoing document was served upon counsel of record using the ECF system, and upon Petitioner at St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, Michigan 48880 by first-class U.S. mail.

s/William Barkholz

Case Manager